

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

MV3 PARTNERS LLC,

Plaintiff,

v.

ROKU, INC.,

Defendant.

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Civil Action No.: 6:18-cv-308-ADA

JURY TRIAL DEMANDED

**JOINT REPORT RE NARROWING ASSERTED
CLAIMS AND PRIOR ART REFERENCES**

In accordance with the Court’s Scheduling Order (Dkt. 51) entered in this action, Plaintiff MV3 Partners LLC (“MV3”) and Defendant Roku, Inc. (“Roku”) (collectively the “Parties”) met and conferred on March 11, 2020 to discuss narrowing the number of claims asserted and prior art references at issue. The result of the Parties’ meet and confers on these subjects are set about below.

MV3 has reduced the number of claims of the 8,863,223 Patent it is asserting in this action from twenty-five (25) to fifteen (15) claims. Further, MV3 intends to provide its list of the asserted claims by the April 29, 2020 Joint Pretrial Order deadline in this action. MV3 reserves all rights regarding this reduction of claims prior to the trial of this action should circumstances so warrant. MV3 will continue to meet and confer with Roku regarding the reduction of asserted claims and prior art references.

Roku intends to reduce the number of its prior art references it will present at trial. Initially, Roku’s expert, Dr. Samuel Russ, relied on 13 prior art references in various combinations in his report on invalidity. Roku has since agreed to not rely on one of those references as well as

numerous combinations. Roku will continue to refine its positions, and it will endeavor to further narrow the number of prior art references it will present at trial. To do so, however, it is necessary for MV3 to first identify the claims that it will elect to pursue at trial. Roku contends that MV3 should limit the claims it pursues at trial to no more than five to six claims, and MV3 should identify those claims by April 8, 2020. From there, Roku will narrow the prior art references it will present at trial by April 22, 2020.

The Parties will continue to explore further narrowing the number of asserted claims and prior art references as this action moves closer to trial.

Dated: March 18, 2020

RESPECTFULLY SUBMITTED,

By: /s/Andy Tindel

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**ATTORNEYS FOR
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CERTIFICATE OF SERVICE

A true and correct copy of the foregoing instrument was served or delivered electronically via U.S. District Court [LIVE] – Document Filing System, to all counsel of record, on this 18th day of March, 2020.

A handwritten signature in blue ink, reading "Andy Tindel", is written over a horizontal line.

Andy Tindel